

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

JESSE AARON DAUL,
Plaintiff,

v.

Case No. 18-C-566

VICTORIA E. BAUER and JOHN DOE,
Defendants.

ORDER

Jesse Aaron Daul, proceeding pro se, brings this action under 42 U.S.C. § 1983. Daul seeks leave to proceed without prepaying the filing fee under 28 U.S.C. § 1915. Based on his request, Daul is unable to pay such fees or give security therefor, so I will grant his motion.

“Notwithstanding any filing fee, or any portion thereof, that may have been paid,” I must dismiss a complaint, or any portion of it, if I determine “at any time” that it “fails to state a claim on which relief may be granted.” § 1915(e)(2)(B)(ii). A complaint states a claim on which relief may be granted if it contains “factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009).

Daul’s complaint alleges as follows: In 2000, he sexually assaulted Victoria Bauer, “which resulted in the birth of a child.” Compl., Docket No. 1, at 1. Bauer concealed the child from Daul for 15 years “to protect [him] from criminal prosecution” and went on to work for the Brown County Sheriff’s Department and the Green Bay Police Department. *Id.* During that time, Bauer sexually assaulted Daul twice, which “result[ed] in the birth of” two more children. *Id.* at 2.

Beyond these initial allegations, Daul's complaint is basically indecipherable. He mentions abuse and assaults in prison, possible gang activity, "being subject to distant radio and/or telecommunication 'White Noise,'" and development of "a severe 'HYPER VIGILANCE' bordering [on] psychic abilities," among other things. See *id.* at 2–3. Daul seeks damages, as well as "DNA acknowledgement of [his] parental rights and Shared Placement/Custody of" his alleged children, the inclusion of his name on their birth records, and "changes of such children's Surnames from being 'Bauer' to 'Bauer-Daul,'" among other things. See *id.* at 3–4.

The only thing that I can say with certainty about this case is that "child custody decrees' remain outside federal jurisdictional bounds." *Marshall v. Marshall*, 547 U.S. 293, 308 (2006) (quoting *Ankenbrandt v. Richards*, 504 U.S. 689, 704 (1992)). Therefore, I cannot adjudicate Daul's claims concerning custody of Bauer's children.

Indeed, I cannot discern from the complaint's factual allegations a single legal claim on which relief may be granted over which this court has jurisdiction. Accordingly, I will exercise my "authority to dismiss [the] complaint because it is confusing." *Fid. Nat. Title Ins. Co. of New York v. Intercounty Nat. Title Ins. Co.*, 412 F.3d 745, 749 (7th Cir. 2005). As "a confusing pleading is not ordinarily a fatal defect," I will give Daul an opportunity to amend his complaint. See *id.* If he does not do so in a timely manner, as ordered below, or if "despite repeated attempts," he "is unable to draft an intelligible complaint," I will dismiss this case without prejudice. *Id.*

THEREFORE, IT IS ORDERED that plaintiff's motion for leave to proceed without prepayment of the filing fee (Docket No. 7) is **GRANTED**.

IT IS FURTHER ORDERED that plaintiff's complaint (Docket No. 1) is **DISMISSED** for failure to state a claim on which relief may be granted.

IT IS FURTHER ORDERED that plaintiff shall amend his complaint on or before **May 31, 2018**, using the form entitled “Complaint for Non-Prisoner Filing Without a Lawyer,” available through the Clerk of Court’s office or on the court’s website at <http://www.wied.uscourts.gov/forms/guide-and-complaint-non-prisoner-filing-without-lawyer>. If plaintiff does not timely amend his complaint, I will infer that he does not wish to proceed with this action, and I will dismiss it without prejudice and without further notice for failure to diligently prosecute it. See Civil L. R. 41(c) (E.D. Wis.).

Dated at Milwaukee, Wisconsin, this 1st day of May, 2018.

s/Lynn Adelman
LYNN ADELMAN
District Judge